

Register results

The following actions have been taken by Federal agencies. They have previously been summarized as proposals in CONSUMER REGISTER. Extent of consumer and other comment is reported when such information is available.

• **Civil Aeronautics Board (CAB)** has ordered airlines to segregate cigar and pipe smokers and to expand no-smoking areas to accommodate all persons who want to sit in those areas. In addition, the airlines must ban all smoking when the ventilation system is not operating at full capacity designed for normal service. Even though CAB's 1973 rules stated that a sufficient number of seats be provided in "no-smoking" areas to accommodate persons who wish to be seated there, the Commission has continued to get complaints from passengers denied such seats, with the airlines apparently saying the "no-smoking" section is full. CAB received more than 31,000 letters and cards from individual consumers on the proposal, representing a wide range of views. Effective date is Feb. 23. Details—*Federal Register*: Jan. 25, page 5071; Oct. 8, 1976, page 44424. CONSUMER REGISTER: Oct. 15, 1976. For more information write or call Richard Dyson, Civil Aeronautics Board, 1825 Connecticut Ave., NW, Washington, DC 20428; telephone 202-673-5444.

• The **US Metric Board** has adopted Sunshine Act procedures for its public meetings to "facilitate and encourage public observations of the deliberations and decisions of the US Metric Board to the maximum extent possible." The Board received 5 written comments on its proposed procedures, all of which were directed at a section that provided 7 days advance notice for interested persons to attend meetings. The commenters suggested 14 or 21 days advance notice, and the Board says it will try to give more notice, but has decided that "at least 7 days notice" would remain the legal requirement. However, the Board will develop mailing lists to enable its staff to send personal notices to interested persons instead of relying on *Federal Register* notices. Details—*Federal Register*: Jan. 22, page 4462; Sept. 15, 1978, page 41230. CONSUMER REGISTER: Oct. 1 and Oct. 15, 1978. For more information write or call John Bryant, US Metric Board, Suite 301, 1815 N. Lynn St., Arlington, VA 22209; telephone 703-235-1933.

Alcoholic beverage labeling

April 3 is deadline for comments on the **Bureau of Alcohol, Tobacco and Firearms' (ATF)** proposed regulations requiring partial ingredient labels on all domestic and imported alcoholic beverages.

ATF says the proposal will give consumers needed information without imposing undue cost burdens on the industry. The labels will be particularly valuable to consumers concerned about allergic reactions to certain ingredients.

The proposal, prepared in cooperation with the **Food and Drug Administration**, would generally require the following:

- Labels listing all essential components of the beverage, including water, all additives remaining in the finished product, all colors, flavors and preservatives.
- If the producer wants to take advantage of seasonal price fluctuations without changing the label, he may list the range of possible essential components. For example, a producer of distilled spirits may say his product contains corn or wheat or rye.
- If derivatives of essential components are sometimes used, they must be identified. For example, if corn and/or corn syrup are alternately used, the label would say "corn and/or corn syrup."

• Producers would not have to list ingredients in order of predominance nor would they have to list the maximum amount of sodium contained in the beverage. According to comments from industry, the requirement for sodium would have meant separate labels for each batch of wine, liquor or beer bottled. Even though there are reasons for wanting this information readily available, ATF says the extra cost burden is not warranted.

• The requirements would apply to both domestically produced and imported alcoholic beverages, with a 3-year transition period allowed after final rules are published.

Examples of typical labels are:

- **BEER:** Brewed from: malt, rice, or barley or corn or corn syrup, hops, water, yeast, enzymes, calcium disodium EDTA, heptylparaben, and sodium ascorbate as a preservative.

• **WINE:** Made from: grapes, water, invert sugar, yeast, enzymes and sorbic acid and sulfur dioxide as preservatives.

• **GIN:** Made from: corn or wheat or rye, water, natural flavoring, yeast, and enzymes.

BLENDED WHISKEY: Made from: corn or wheat or rye, malt, water, yeast, enzymes. Colored with caramel.

ATF wants to keep label lists as clear and concise as possible by avoiding puffery and other verbiage. Thus, references to quality (finest grapes) and negative statements (contains no preservatives) would not be included in the ingredient list.

An earlier proposal on this subject was published in 1974 and withdrawn in 1975 because of strong industry opposition and little consumer comment. Therefore, ATF is actively soliciting consumer comment on this issue and CONSUMER NEWS urges its readers to respond.

Details—*Federal Register*: Feb. 2, page 6740. Send comments to Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. Attn: Chief, Regulations and Procedures Division. For further information call R. F. Conrad or T. B. Busey 202-566-7626.

Cellulose insulation

Mar. 8 is new deadline for comment on **Consumer Product Safety Commission's (CPSC)** proposed amendment to its interim safety standard for cellulose insulation.

CPSC previously announced that all cellulose insulation manufactured after Sept. 7, 1978 must pass flammability and other tests. (See CONSUMER NEWS: Sept. 1, 1978.)

The interim standard applies only to insulation material produced from cellulose fibers like ground up paper or wood pulp and does not cover such types of insulation as fibrous glass, mineral wool, or urea formaldehyde foam.

Details—*Federal Register*: Jan. 19, 1979, page 3989 and Aug. 8, 1978, page 35240. CONSUMER NEWS: Jan. 15. Send comments to Philip Bechtel, Consumer Product Safety Commission, Washington, DC 20207; telephone 202-634-7770. For more information write or call Mr. Bechtel at the above address.

Humpback whale harassment

On Jan. 4 the National Marine Fisheries Service (NMF), part of Commerce Dept. issued an interpretation of "harassment" of humpback whales wintering in the waters off Hawaii.

This interpretation is intended to protect the whales from being bothered by boatloads of tourists who come to observe the whales calving, nursing, and breeding. These observations are restricting the humpback's behavior and possibly their population level as well. NMF says the Northern Pacific humpback whale population has declined from an estimated 15,000 in 1905 to a present estimate of 850. (Approximately 60% of the Northern Pacific humpbacks winter in Hawaii.)

Humpback whales presumably calve and breed in the Hawaiian Islands area because it offers the most favorable environmental conditions. Activities which force them to abandon these breeding grounds may result in a "substantially lower recruitment rate for an already severely reduced population."

While they are in the Hawaiian Islands area, the humpbacks are the subject of commercial photography, whale-watching tours, and scientific research. They are also affected by marine construction, commercial shipping, and muddy water. NMF's information is that these factors may be adversely affecting the behavior and migration of the whales. They appear to be abandoning some areas and are becoming more difficult to approach in others.

Under both the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, fines as high as \$10,000 can be levied for the "taking" of humpback whales. NMF has developed the interpretation of "taking by harassment" to further protect the humpback during its critical breeding and calving period.

Under this interpretation NMF is prohibiting such actions as:

- Using aircraft to circle or buzz the whales.
- Separating a whale from a calf.
- Herding or driving whales.
- Approaching within 300 yards of a humpback whale in the calving and breeding grounds. This would apply to swimmers and divers as well as boats.

Details—*Federal Register*: Jan. 4, page 1113. NMF will be re-evaluating this interpretation in April 1979 and all comments should be sent to Gerald Howard, National Marine Fisheries Service, 300 South Ferry St., Terminal Island, CA 90781; telephone 213-548-2575. For further information contact Martin Hochman at the above address, Room 2020; telephone 213-548-2756.

Aluminum kites

March 27 is deadline for comments on a Consumer Product Safety Commission (CPSC) proposal to ban large aluminized polyester film kites. The proposed ban would apply to any kite containing a piece of aluminized polyester measuring 10 inches or more. CPSC says the kites present an electrical hazard, since they conduct electricity and are susceptible to getting tangled in electric power lines.

Details—*Federal Register*: Jan. 26, page 5459. CONSUMER NEWS: June 15, 1975. Send comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. For more information write or call Elaine Besson,

Office of Program Management, at the above address; telephone 301-492-6453.

GM engines

March 27 is deadline for comments on a Federal Trade Commission (FTC) provisional consent agreement with General Motors Corp. (GM).

The proposed order prohibits GM from misrepresenting or substituting engines—as alleged in the case of consumers who paid for Oldsmobiles and later discovered their cars had Chevrolet engines.

The agreement would require the following:

- GM would be prohibited from displaying the name of any GM car division on or near the engine if the engine is not manufactured by that division. In other words, no more engine switching without telling the consumer.
- For 3 model years, 1979 through 1981, GM must furnish literature at the time a car is sold which tells what kind of engine is in the car, the ordering code the availability of each engine option offered to dealers. The order also requires GM to use window stickers disclosing the manufacturing source and order code of the car's engine.
- GM must provide accurate information regarding recommended maintenance intervals and regular maintenance replacement parts in owners' manuals or other information sources given to car buyers.
- GM must notify its dealers promptly whenever it decides to substitute an engine option and provide pertinent information about the substituted engine and the engine option it replaces.
- GM is prohibited from using any wholesale ordering system which does not permit dealers to designate the specific engine options ordered.
- The proposed order would apply to sales of new passenger cars in the US and its territories.

FTC's complaint against GM alleged that the firm engaged in unfair and deceptive practices by selling cars with engines and other equipment manufactured by a different GM division without informing purchasers. The complaint also alleged that GM failed to notify consumers of changes to their purchase orders for certain equipment and failed to provide information and replacement parts so dealers could adequately service cars with substituted equipment.

FTC's order is designed to complement settlements on engine switching obtained in private class-action and state Attorney General lawsuits. Approximately 46 state Attorneys General have obtained cash redress and an extended warranty for owners who purchased 1977 Buick and Pontiac cars with substituted Chevrolet V-8 engines before April 10, 1977. A similar settlement arising out of a private class action is pending for owners of 1977 Oldsmobiles equipped with Chevrolet V-8 engines. GM car owners who have questions about these lawsuits should contact their state Attorney General's office for further information.

Details—*Federal Register*: Jan. 26, page 5457. CONSUMER NEWS: June 1 and July 1, 1977. Send comments to Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW, Washington, DC 20580. For more information write or call Paul Peterson, Cleveland Regional Office, Federal Trade Commission, 1339 Federal Office Bldg., 1240 East 9th St., Cleveland, OH 44199; telephone 216-522-4207.

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consumer comment

Federal agencies want to learn your views on proposals and other items published in the *Federal Register* and CONSUMER REGISTER. Agencies use these comments in their decision making.

These forms are provided for you to use, if you wish, in commenting on these items. For more lengthy comments, feel free to use a plain sheet of paper. Send comment forms to addresses listed in CONSUMER REGISTER summaries. CONSUMER NEWS is publishing these forms in cooperation with the Food and Drug Administration (FDA).

Name _____ Date _____

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Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) _____

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consumer comment

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